IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1990 OF 2005

Gopal Mani Tiwari ...Petitioner

Versus

State of Maharashtra and ors. ... Respondents

Mr. K.P. Anilkumar for the petitioner.
Mr. N.P. Deshpande, Assistant Government Pleader, for the State.

CORAM: **DALVEER BHANDARI, C.J.** &
S.A. BOBDE, J.
DATE: **MARCH 29, 2005**.

P.C.

1. The petitioner is guilty of plying a more than eight years' old commercial vehicle in Mumbai, in clear and flagrant violation of the order dated 3rd March, 2004, passed by a Division Bench of this Court. The petitioner's vehicle bearing No. MH-04 S 1614 TATA 407 was seized by respondent No.2 – Regional Transport Officer - on 1st October, 2004, which was registered in Maharashtra.

2. The learned counsel appearing for the petitioner submitted that the

petitioner was unaware of the above order of the Division Bench. He has apologised for the lapse, and has given an undertaking to the Court that similar lapse will not be repeated.

3. We have heard the learned counsel for the parties at length.

4. The learned Assistant Government Pleader submitted that the petitioner is guilty of deliberately violating the order of this Court, whereas, according to the petitioner, the lapse has been committed because of inadvertence. On consideration of the totality of the facts and circumstances, the learned Assistant Government Pleader suggested that for this lapse, the petitioner be directed to pay Rs.10,000/- to the Chief Minister's Relief Fund, Maharashtra (South India-Earthquake). The learned counsel appearing for the petitioner, on instructions, has undertaken to pay this amount immediately. This amount would be utilised for the victims of Tsunami tragedy.

5. The petitioner, or any authorised representative on his behalf, would give an undertaking to respondent No.2, Regional Transport Officer (R.T.O.), not to ply the said vehicle in Mumbai in future. On giving

this undertaking and paying the said amount of Rs.10,000/- to the Chief Minister's Relief Fund, Maharashtra (South India-Earthquake), the vehicle in question shall be released. The Petitioner is directed to hand over the cheque, as mentioned above, to the R.T.O., who, in turn, shall forward the same to the chief Minister's Office.

6. In compliance with the order of this Court dated 3rd March, 2004, the Office of the Transport Commissioner, State of Maharashtra, is directed to ensure that sign-boards are placed at the entry points to the City, stating that no commercial vehicle over the age of eight years is permitted to enter the City of Mumbai. Let this direction be carried out within two weeks from today.

7. No further directions are necessary. This petition is, accordingly, disposed of.

8. The Registry is directed to send a copy of this order to the Chief Minister's Office for information.

CHIEF JUSTICE

S.A. BOBDE, J.